STAND. COM. REP. NO.

1217

Honolulu, Hawaii

APR 0 8 2011

RE: H.B. No. 1004

H.D. 1 S.D. 1

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1004, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the existing antitrust law to reconfirm the right of government entities to bring actions for damages notwithstanding the government entities' status as indirect purchasers.

Your Committee received testimony in support of this measure from the Department of the Attorney General.

Your Committee finds that this measure will provide the State an opportunity to seek redress where the State has been harmed by antitrust violations. Your Committee further finds that the current law has prevented the State from pursuing suit for identified antitrust violations involving matters such as systemic price fixing, which would have properly resulted in reimbursement to the State for overcharges and other damages. Finally, your Committee finds that this measure does not create any new violations or enable undue expansion of damage awards. Rather, this measure allows the State to pursue proper remedies for actual economic harm suffered by the State because of the unlawful conduct of outside entities.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1004, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLAYTON HEE, Chair

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*			Da	te:	1
HB1004, HD1,SD1 C		JOL		3/31/	11
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)					
SHIMABUKURO, Maile (VC)					
GABBARD, Mike			500 B		
IHARA, Jr., Les					
SLOM, Sam			The state of the s		
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		7 And Section (1988) 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Y		
TOTAL		ラ			
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes